

process in Texas Rule of Civil Procedure 169 because Plaintiffs seek monetary relief over \$100,000.

II.

RELIEF

2. Pursuant to Texas Rule of Civil Procedure 47(c)(4), Plaintiffs seek monetary relief over \$200,000 but not more than \$ 1,000.000.

III.

PARTIES

3. Plaintiff, Robert Johnson, is an individual residing in Dallas County, Texas. Pursuant to § 30.14 of the Texas Civil Practice and Remedies Code, Plaintiff states that the last three digits of his social security number are 928, and the last three digits of his Texas driver's license are 625.

4. Defendant, Walgreen Co., d/b/a Walgreens Store #04459 is a foreign corporation doing business in the State of Texas, and may be served with process by serving its registered agent Prentice Hall Corporation System at 211 E. 7th St., Ste. 620, Austin, Texas 78701-3218, or wherever it can be found.

5. Defendant, Walgreens Corporation, d/b/a Walgreens Store # 04459 is a foreign corporation doing business in the State of Texas, and may be served with process by serving its President Prentice Hall Corporation System at 211 E. 7th St., Ste. 620, Austin, Texas 78701-3218, or wherever it can be found.

6. Defendant, Walgreens Boots Alliance, Inc., is a Delaware Corporation doing business in the State of Texas. Defendant is required by Tex. Bus. Orgs. Code. § 5.201 to designate or maintain a resident agent in this State for service of process and has not designated

such agent. *See* Tex. Civ. Prac. & Rem. Code § 17.044(a)(1). Specifically, Defendant is a non-resident foreign corporation, engaged in business in Texas, that does not maintain a regular place of business in Texas, that has not designated a registered agent for service of process, and the present lawsuit arises from Defendant's business in Texas. *See* Tex. Civ. Prac. & Rem. Code §17.044(b). Therefore, the Texas Secretary of State is the agent for service of process for the Defendant. Tex. Civ. Prac. & Rem. Code 17.044. The Texas Secretary of State may serve process on Defendant by serving the President James A. Skinner at the home office located at 104 Wilmot Rd., Deerfield, IL 60015, or wherever he can be found.

7. Defendant, Surfcomber Duncanville Management, L.L.C., is a foreign corporation doing business in the State of Texas. Defendant is required by Tex. Bus. Orgs. Code. § 5.201 to designate or maintain a resident agent in this State for service of process and has not designated such agent. *See* Tex. Civ. Prac. & Rem. Code § 17.044(a)(1). Specifically, Defendant is a non-resident foreign corporation, engaged in business in Texas, that does not maintain a regular place of business in Texas, that has not designated a registered agent for service of process, and the present lawsuit arises from Defendant's business in Texas. *See* Tex. Civ. Prac. & Rem. Code §17.044(b). Therefore, the Texas Secretary of State is the agent for service of process for the Defendant. Tex. Civ. Prac. & Rem. Code § 17.044. The Texas Secretary of State may serve process on Defendant by serving the President Steven Mirmelli at his home address, 340 W. Flagler St. Apt. 209, Miami, Florida 33130, or wherever he can be found.

8. Defendant, Surfcomber Duncanville Associates, L.L.C., is a foreign corporation doing business in the State of Texas. Defendant is required by Tex. Bus. Orgs. Code. § 5.201 to designate or maintain a resident agent in this State for service of process and has not designated such agent. *See* Tex. Civ. Prac. & Rem. Code § 17.044(a)(1). Specifically, Defendant is a non-

resident foreign corporation, engaged in business in Texas, that does not maintain a regular place of business in Texas, that has not designated a registered agent for service of process, and the present lawsuit arises from Defendant's business in Texas. *See* Tex. Civ. Prac. & Rem. Code §17.044(b). Therefore, the Texas Secretary of State is the agent for service of process for the Defendant. Tex. Civ. Prac. & Rem. Code § 17.044. The Texas Secretary of State may serve process on Defendant by serving the President Steven Mirmelli at his home address, 340 W. Flagler St. Apt. 209, Miami, Florida 33130, or wherever he can be found.

IV.

MISNOMER/ALTER EGO

9. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer," and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiffs contend that any such "corporate veils" should be pierced to include such parties in this action in the interest of Justice.

V.

JURISDICTION

10. The Court maintains subject-matter jurisdiction over this action because the amount in controversy exceeds the minimum jurisdictional requirements of this Court. This Court has personal jurisdiction over the Defendants because they do business in Texas, own or lease property in Texas, recruit(s) employees in Texas, and/or have committed a tort in Texas within the meaning of the Texas Long-Arm Statute as codified in § 17.042 of the Tex. Civ. Prac. & Rem. Code. The Defendants have minimum contacts with the State of Texas and exercising personal jurisdiction over the Defendants would not offend traditional notions of fair play and substantial justice. *See Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945).

VI.

VENUE

11. Venue is proper in Dallas County under Tex. Civ. Prac. & Rem. Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County, Texas. Further, venue is proper in Dallas County as to all Defendants under Tex. Civ. Prac. & Rem. Code § 15.005.

VII.

VICARIOUS LIABILITY

12. At all times mentioned herein and relevant to this action, all agents, assignees, servants, and/or employees of Defendants were acting within the course and scope of their employment or official duties and in furtherance of the duties of their employment. Thus, Defendants are responsible for all damages resulting from the negligent acts and/or omissions of its agents, assignees, servants, and/or employees under the Doctrine of *Respondeat Superior*.

VIII.

FACTS

13. On or about February 11, 2014, Plaintiff Robert Johnson (Johnson) was an invitee on the premises of 8120 S. Cockrell Hill Rd, Dallas, TX 75236 for the economic benefit of Defendants, collectively. At this address Defendants Walgreen Co. d/b/a Walgreens Store #04459 (Walgreen Co.), Walgreens Corp. d/b/a Walgreens Store #04459 (Walgreens Corp.), and Walgreens Boots Alliance, Inc. (Walgreens Boots) owned and operated, for profit, a Walgreens Drug Store. Further, Defendants Surfcomber Duncanville Management, LLC (Surfcomber Management) and Surfcomber Duncanville Associates, LLC (Surfcomber Associates) owned and operated, for profit, the shopping center in which Walgreens Store # 04459 is located.

14. At the time of the incident on February 11, 2014, Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots, through their employees, agents, assigns, and representatives, created a dangerous condition on the premises by placing foreign material, specifically cat litter, onto the sidewalks and access-points outside and surrounding Walgreens Store # 04459. This foreign material became soggy, slippery, and accumulated with other dirt and material to create an unreasonably dangerous condition. Further, at the time of the incident, Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots, through its employees, agents, assigns, and representatives, failed to remove or make safe this accumulation of cat litter and foreign matter, thus, allowing an unreasonably dangerous condition to exist on the premises. Additionally, Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots, through its employees, agents, assigns, and representatives, failed to warn Mr. Johnson of this unreasonably dangerous condition on the premises.

15. At the time of the incident on February 11, 2014, Defendants Surfcomber Management and Surfcomber Associates, their employees, agents, assigns, and representatives, failed to remove or make safe the accumulation of cat litter and foreign matter, thus, allowing an unreasonably dangerous condition to exist on the premises. Additionally, Defendants Surfcomber Management and Surfcomber Associates, their employees, agents, assigns, and representatives failed to warn Mr. Johnson of this unreasonably dangerous condition on the premises.

16. Defendants, collectively, knew or in the exercise of reasonable care should have known about the unreasonably dangerous accumulation on the property. Further, should Defendants, collectively, claim they have no actual knowledge of the condition, the unreasonably dangerous condition existed for a sufficient period of time for Defendants, collectively, to have discovered its presence had Defendants, collectively, exercised reasonable care. Defendants,

collectively, failed to make any attempts to warn Mr. Johnson of the unreasonably dangerous condition or make the premises safe.

17. As a result of the Defendants', collectively, negligence, Mr. Johnson slipped in the unreasonably dangerous condition, fell, and sustained serious bodily injuries to his neck and back.

IX.

CAUSES OF ACTION AGAINST DEFENDANTS WALGREEN CO., WALGREENS CORP., WALGREENS BOOTS

A. Premises Liability

18. While on Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots premises, Mr. Johnson suffered serious bodily injuries as a direct result of a fall proximately caused by an unreasonably dangerous condition of Defendants' premises which Defendant knew or, in the exercise of ordinary care, should have known existed. Further, Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots, through their employees, agents, assigns, and representatives, on February 11, 2014, placed the cat litter which caused the unreasonably dangerous condition.

19. Defendant negligently allowed the premises to become dangerous, negligently permitted such condition to exist, and negligently informed Mr. Johnson that it was safe to enter the premises, despite the fact that Defendant knew, or in the exercise of ordinary care, should have known of the existence of a unreasonably dangerous condition, a condition with a likelihood of injuring invitees to the premises, such as Mr. Johnson. Mr. Johnson further alleges that the condition of the premises had continued for such a period of time that it would have been removed if Defendants had exercised ordinary care in the maintenance of the premises.

B. Negligence

20. On the occasion in question, Defendants Walgreen Co., Walgreens Corp., and Walgreens Boots were guilty of negligence in the following respects:

- a. in placing cat litter on the sidewalk, walkways, and access points of the premises;
- b. in failing to maintain the premises in a reasonably safe condition;
- c. in failing to warn Mr. Johnson of the extremely dangerous condition of the premises;
- d. in permitting the sidewalk, walkways, and access points of Defendants' premises to remain dangerously littered with cat litter and accumulated foreign material;
- e. in continuing to permit invitees on Defendants' premises even after being on notice of the unreasonably dangerous condition of the premises; and
- f. in informing Mr. Johnson it was safe to enter the premises even though Defendants knew that the premises were unreasonably dangerous.

21. Each of the foregoing negligent acts and omissions whether taken singularly or in any combination were a proximate cause of Plaintiffs' injuries and damages herein alleged.

X.

**CAUSES OF ACTION AGAINST DEFENDANTS
SURFCOMBER MANAGEMENT AND SURFCOMBER ASSOCIATES**

A. Premises Liability

22. While on Defendants Surfcomber Management and Surfcomber Associates premises, Mr. Johnson suffered serious bodily injuries as a direct result of a fall proximately caused by an unreasonably dangerous condition of Defendants' premises which Defendant knew or, in the exercise of ordinary care, should have known existed.

23. Defendants negligently allowed the premises to become dangerous, negligently permitted such condition to exist, and negligently informed Mr. Johnson that it was safe to enter the premises, despite the fact that Defendant knew, or in the exercise of ordinary care, should have known of the existence of a unreasonably dangerous condition, a condition with a likelihood of injuring invitees to the premises, such as Mr. Johnson. Mr. Johnson further alleges that the condition of the premises had continued for such a period of time that it would have been removed if Defendants had exercised ordinary care in the maintenance of the premises.

B. Negligence

24. On the occasion in question, Defendants Surfcomber Management and Surfcomber Associates were guilty of negligence in the following respects:

- a. in failing to maintain the premises in a reasonably safe condition;
- b. in failing to warn Mr. Johnson of the extremely dangerous condition of the premises;
- c. in permitting the sidewalk, walkways, and access points of Defendants' premises to remain dangerously littered with cat litter and accumulated foreign material;
- d. in continuing to permit invitees on Defendants' premises even after being on notice of the unreasonably dangerous condition of the premises; and
- e. in informing Mr. Johnson it was safe to enter the premises even though Defendants knew that the premises were unreasonably dangerous.

25. Each of the foregoing negligent acts and omissions whether taken singularly or in any combination were a proximate cause of Plaintiffs' injuries and damages herein alleged.

XI.

ALTERNATIVE CLAIMS FOR RELIEF AUTHORIZED

26. Plaintiff intends to exercise his right to plead multiple causes of action in *Plaintiffs' Original Petition* and invoke the right of disparate pleadings set out in Texas Rule of Civil Procedure 48. Where in this pleading or any Supplemental or Amended Pleading the statements of claim vary, they are to be construed as alternative claims for relief. No claim for relief shall be construed as waived or abandoned where it is otherwise contradicted in whole or in part in another portion of Plaintiff's pleadings.

XII.

PROXIMATE CAUSE OF DAMAGES

27. The damages listed below were in whole or in part proximately caused by the negligent acts and/or omissions committed by Defendants.

XIII.

DAMAGES

28. Plaintiff, Robert Johnson, suffered, as a proximate and direct result of the wrongful actions and/or omissions of the Defendants in this matter each of the following damages:

- a. Medical expenses in the past, which were reasonable and necessary when incurred or obtained;
- b. Medical expenses which, in reasonable probability, will be sustained in the future;
- c. Mental anguish in the past;
- d. Mental anguish which, in reasonable probability, will be sustained in the future;
- e. Physical pain in the past;
- f. Physical pain which, in reasonable probability, will be sustained in the future;

g. Physical impairment in the past; and

h. Physical impairment which, in reasonably probability, will be sustained in the future;

29. The precise amount of Plaintiffs' damages are unknown at this time, but that said, damages are within the jurisdictional limits of this Court, and, upon Trial, Plaintiff should be awarded fair and reasonable damages as determined by the Jury.

XIV.

PRE-JUDGMENT AND POST-JUDGMENT INTEREST

30. Plaintiff states he is entitled to the award of pre-judgment and post-judgment interest in accordance with law and equity as part of his damages herein, and Plaintiff sues for recovery of pre-judgment and post-judgment interest as required by law.

XV.

CONDITIONS PRECEDENT

31. Plaintiff states that all conditions precedent to filing this suit have been met.

XVI.

NOTICE OF USE OF U.S. LIFE TABLES

32. Plaintiff hereby notifies the Defendants of his intent to utilize in the Trial of this cause the United States Life Tables as published by the United States Department of Health and Human Services.

XVII.

JURY DEMAND

33. Plaintiff hereby demands a Trial by Jury on all issues herein and tender the appropriate Jury fee with this petition.

XVIII.

OBJECTION TO ASSOCIATE JUDGE

34. Plaintiffs object to the referral of this cause to an associate judge for hearing a trial on the merits or presiding at a jury trial.

XIV.

OBJECTION TO VISTING JUDGE

35. Plaintiff objects to the referral of this cause to a visiting judge for the hearing of any matter related to this cause, hearing a trial on the merits, or presiding at a jury trial.

XV.

REQUEST FOR DISCLOSURE AND WRITTEN DISCOVERY

36. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants, collectively, disclose, within fifty (50) days of the service of this request, the information or material described in Texas Rules of Civil Procedure 194.2 (a) through (l).

37. Also included with this *Original Petition* are the following written discovery requests which Defendant must respond to within fifty (50) days:

- Plaintiff's First Set of Interrogatories to Defendant Walgreen Co.
- Plaintiff's First Set of Interrogatories to Defendant Walgreens Corp.
- Plaintiff's First Set of Interrogatories to Defendant Walgreens Boots
- Plaintiff's First Set of Interrogatories to Defendant Surfcomber Management
- Plaintiff's First Set of Interrogatories to Defendant Surfcomber Associates
- Plaintiff's First Request for Production to Defendant Walgreen Co.
- Plaintiff's First Request for Production to Defendant Walgreen Corp.
- Plaintiff's First Request for Production to Defendant Walgreens Boots
- Plaintiff's First Request for Production to Defendant Surfcomber Management
- Plaintiff's First Request for Production to Defendant Surfcomber Associates
- Plaintiff's First Request for Admissions to Defendant Walgreen Co.

- Plaintiff's First Request for Admissions to Defendant Walgreens Corp.
- Plaintiff's First Request for Admissions to Defendant Walgreens Boots
- Plaintiff's First Request for Admissions to Defendant Surfcomber Management
- Plaintiff's First Request for Admissions to Defendant Surfcomber Associates

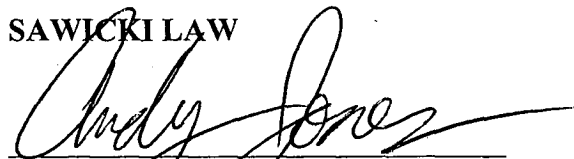
XVI.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against the Defendants, jointly and severally, for damages for monetary relief over \$ 200,000 which is within the jurisdictional limits of this Court; together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law; post-judgment interest at the highest legal rate until the time the judgment is paid; costs of court; and such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

SAWICKI LAW



MICHAEL G. SAWICKI

State Bar No. 17692500

msawicki@sawickilawfirm.com

ANDREW A. JONES

State Bar No. 24077910

ajones@sawickilawfirm.com

4040 N. Central Expressway, Ste. 850

Dallas, Texas 75204

(214) 468-8844

(214) 468-8845 (Fax)

ATTORNEYS FOR PLAINTIFF


CAUSE NUMBER (FOR CLERK USE ONLY): CC-16-00252-A

COURT (FOR CLERK USE ONLY):

STYLED ROBERT JOHNSON V. WALGREEN CO ET AL

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

| 1. Contact information for person completing case information sheet: | | Names of parties in case: | | Person or entity completing sheet is: | |
|--|---|---|--|---|---|
| Name: Michael Sawicki Andy Jones | Email: msawicki@sawickilawfirm.com ajones@sawickilawfirm.com | Plaintiff(s)/Petitioner(s): Daniel Martinez | Defendant(s)/Respondent(s): WALGREEN CO, D/B/A WALGREENS STORE #04459; WALGREENS CORPORATION D/B/A WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE, INC.; SURFCOMBER DUNCANVILLE MANAGEMENT, L.L.C.; SURFCOMBER DUNCANVILLE ASSOCIATES, L.L.C., | <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ | Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____ |
| Address: 4040 N. Central Expwy Ste. 850 | Telephone: 214-468-8844 | [Attach additional page as necessary to list all parties] | | | |
| City/State/Zip: Dallas, TX 75204 | Fax: 214-468-8845 | | | | |
| Signature:  | State Bar No: Michael Sawicki 17692500 Andy Jones 24077910 | | | | |
| 2. Indicate case type, or identify the most important issue in the case (select only 1): | | | | | |
| Civil | | | Family Law | | |
| Contract | | Injury or Damage | Real Property | Marriage Relationship | Post-judgment Actions (non-Title IV-D) |
| <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ | <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____ | <input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ | <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children | <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order | |
| Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____ | | Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus— Pre-indictment <input type="checkbox"/> Other: _____ | | Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____ | |
| Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____ | | Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____ | | Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____ | |
| Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax | | Probate & Mental Health <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____ | | | |
| 3. Indicate procedure or remedy, if applicable (may select more than 1): | | | | | |
| <input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action | | <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment | | <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover | |
| 4. Indicate damages sought (do not select if it is a family law case): | | | | | |
| <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 | | | | | |

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**SURFCOMBER DUNCANVILLE ASSOCIATES, LLC
SERVE THROUGH SECRETARY OF STATE, STATE OF
TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC - 16 - 00252 - A
CICI
ISSUE CITATION
999857



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

**SURFCOMBER DUNCANVILLE
ASSOCIATES, LLC
SERVE THROUGH SECRETARY OF
STATE, STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

ISSUED THIS
20th day of January, 2016

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

OFFICER'S RETURN

CC-16-00252-A County Court at Law No. 1

ROBERT JOHNSON vs. WALGREEN CO. DBA WALGREENS STORE #04459, WALGREENS CORPORATION DBA WALGREENS STORE #04459, WALGREENS
BOOTS ALLIANCE INC..et al

ADDRESS FOR SERVICE:

SERVE THROUGH SECRETARY OF STATE, STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711

Fees:

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____m., and executed in _____ County, Texas by delivering to
SURFCOMBER DUNCANVILLE ASSOCIATES, LLC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL
PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY with the date and service at the following times and places to-wit:

| Name | Date/Time | Place, Course and Distance from Courthouse |
|-------|-----------|--|
| _____ | _____ | _____ |

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**SURFCOMBER DUNCANVILLE MANAGEMENT LLC
SERVE THROUGH SECRETARY OF STATE, STATE OF
TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC 16-00252-A
CICI
ISSUE CITATION
999863



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

**SURFCOMBER DUNCANVILLE
MANAGEMENT LLC
SERVE THROUGH SECRETARY OF
STATE, STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

ISSUED THIS
20th day of January, 2016

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

OFFICER'S RETURN

CC-16-00252-A County Court at Law No. 1

ROBERT JOHNSON vs. WALGREEN CO. DBA WALGREENS STORE #04459, WALGREENS CORPORATION DBA WALGREENS STORE #04459, WALGREENS BOOTS ALLIANCE INC..et al

ADDRESS FOR SERVICE:

SERVE THROUGH SECRETARY OF STATE, STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711

Fees:

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ .m., and executed in _____ County, Texas by delivering to SURFCOMBER DUNCANVILLE MANAGEMENT LLC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY with the date and service at the following times and places to-wit:

| Name | Date/Time | Place, Course and Distance from Courthouse |
|-------|-----------|--|
| _____ | _____ | _____ |

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**WALGREEN CO. DBA WALGREENS STORE #04459
SERVE ITS REGISTERED AGENT
PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC - 16 - 00252 - A
CICI
ISSUE CITATION
999883



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

**WALGREEN CO. DBA WALGREENS STORE
#04459
SERVE ITS REGISTERED AGENT
PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

**ISSUED THIS
20th day of January, 2016**

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

OFFICER'S RETURN

CC-16-00252-A County Court at Law No. 1

ROBERT JOHNSON vs. WALGREEN CO. DBA WALGREENS STORE #04459, WALGREENS CORPORATION DBA WALGREENS STORE #04459, WALGREENS
BOOTS ALLIANCE INC..et al

ADDRESS FOR SERVICE:

SERVE ITS REGISTERED AGENT PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218

Fees:

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ m., and executed in _____ County, Texas by delivering to
WALGREEN CO. DBA WALGREENS STORE #04459 in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL
PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY with the date and service at the following times and places to-wit:

| Name | Date/Time | Place, Course and Distance from Courthouse |
|-------|-----------|--|
| _____ | _____ | _____ |

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**WALGREENS BOOTS ALLIANCE INC.
SERVE THROUGH THE SECRETARY OF STATE STATE OF
TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By

Guisla Hernandez

Deputy



CC 16 - 00252 - A
CICI
ISSUE CITATION
999986



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

**WALGREENS BOOTS ALLIANCE INC.
SERVE THROUGH THE SECRETARY OF
STATE STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711**

ISSUED THIS
20th day of January, 2016

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

OFFICER'S RETURN

CC-16-00252-A County Court at Law No. 1

ROBERT JOHNSON vs. WALGREEN CO. DBA WALGREENS STORE #04459, WALGREENS CORPORATION DBA WALGREENS STORE #04459, WALGREENS BOOTS ALLIANCE INC., et al

ADDRESS FOR SERVICE:

SERVE THROUGH THE SECRETARY OF STATE STATE OF TEXAS
PO BOX 12079 CITATION UNIT
AUSTIN TX 78711

Fees:

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____m., and executed in _____ County, Texas by delivering to WALGREENS BOOTS ALLIANCE INC. in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY with the date and service at the following times and places to-wit:

| Name | Date/Time | Place, Course and Distance from Courthouse |
|------|-----------|--|
|------|-----------|--|

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**WALGREENS CORPORATION DBA WALGREENS STORE #04459
SERVE ITS PRESIDENT AT PRENTICE HALL CORPORATION
SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA WALGREENS
STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER DUNCANVILLE MANAGEMENT
LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY
HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC 16-00252-A
CICI
ISSUE CITATION
999988



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

**WALGREENS CORPORATION DBA
WALGREENS STORE #04459
SERVE ITS PRESIDENT AT PRENTICE
HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

**ISSUED THIS
20th day of January, 2016**

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

OFFICER'S RETURN

CC-16-00252-A County Court at Law No. 1

ROBERT JOHNSON vs. WALGREEN CO. DBA WALGREENS STORE #04459, WALGREENS CORPORATION DBA WALGREENS STORE #04459, WALGREENS BOOTS ALLIANCE INC., et al

ADDRESS FOR SERVICE:
SERVE ITS PRESIDENT AT PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218

Fees:

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ m., and executed in _____ County, Texas by delivering to WALGREENS CORPORATION DBA WALGREENS STORE #04459 in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY with the date and service at the following times and places to-wit:

| Name | Date/Time | Place, Course and Distance from Courthouse |
|-------|-----------|--|
| _____ | _____ | _____ |

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

Trial Lawyers ♦
4040 N. Central Expressway, Ste. 850
Dallas, Texas 75204
Tel: 214.468.8844 Fax: 214.468.8845
Toll Free: 1.888.468.8844
www.sawickilawfirm.com



SAWICKI
LAW ♦

♦ Michael Sawicki
msawicki@sawickilawfirm.com
Board Certified Personal Injury
Texas Board of Legal Specialization
Andrew "Andy" Jones
ajones@sawickilawfirm.com

January 20, 2016

Dallas County Clerk
600 Commerce St., 1st Fl.
Dallas, Texas 75202
ATTENTION: Citations - Geisla

VIA: HAND DELIVERY

RE: Cause No. CC-16-00252-A; Robert Johnson v. Walgreen Co. d/b/a Walgreens Store #04459, et al; In County Court at Law No. 1, Dallas County, Texas

Dear Geisla:

Enclosed please find eight (8) Original Petitions with discovery for the Citations you are preparing for the Defendants. We will pick up the Citations when ready for service.

If you have any questions, please do not hesitate to call. Thank you for your assistance with this matter.

Sincerely,

Brandi Concienne, CP
Certified Paralegal

/bgc
Enclosures

CC 16-00252-A
CCLJ
CORRESPONDENCE - LETTER TO FILE
999994



FILED
JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY, TEXAS
2016 JAN 20 PM 1:23

ON TIME COURIERS**(214) 740-9999**
www.ontimecouriers.com

ORDER NO.

CONTROL NO.

FILED
JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY
RECEIVERS COPY

| DATE | | CHARGE TO | | ACCT# | DELIVERY CHARGE | |
|----------------------|--|----------------------|--|-------|-------------------|------------------|
| REFERENCE | | | | | PIECES | TOTAL WT |
| | | | | | ROUND TRIP | WAIT TIME |
| PICK UP FROM | | DELIVER TO | | | IMMEDIATE | 1 HOUR |
| NAME _____ | | NAME _____ | | | 2 HOUR | 3 HOUR |
| COMPANY _____ | | COMPANY _____ | | | COMMENTS | |
| ADDRESS _____ | | ADDRESS _____ | | | | |
| CITY _____ ZIP _____ | | CITY _____ ZIP _____ | | | | |
| PHONE _____ | | PHONE _____ | | | MESSENGER | |
| X | | X | | | ON | |
| SIGNATURE | | SIGNATURE | | | OFF | |

ON TIME COURIER is limited to the Sum of \$100.00 unless greater value is declared. Claims must be made within 72 hours of delivery date.

CAUSE NO. CC-16-00252-A

| | | |
|---------------------------------|---|----------------------------|
| ROBERT JOHNSON, | § | IN THE COUNTY COURT AT LAW |
| | § | |
| Plaintiff, | § | |
| | § | |
| V. | § | |
| | § | DALLAS COUNTY, TEXAS |
| WALGREEN CO. D/B/A WALGREENS | § | |
| STORE #04459; WALGREENS | § | |
| CORPORATION D/B/A WALGREENS | § | |
| STORE #04459; WALGREENS BOOTS | § | |
| ALLIANCE, INC.; SURFCOMBER | § | |
| DUNCANVILLE MANAGEMENT, L.L.C.; | § | |
| SURFCOMBER DUNCANVILLE | § | |
| ASSOCIATES, L.L.C., | § | |
| | § | |
| Defendants. | § | COUNTY COURT AT LAW NO. 1 |

PLAINTIFF'S DESIGNATION OF LEAD COUNSEL

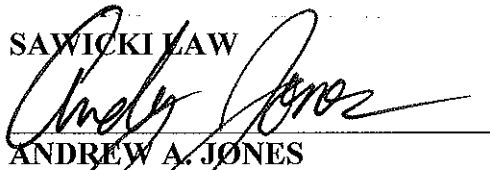
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Robert Johnson, and files this *Designation of Lead Counsel*.

Pursuant to Texas Rule of Civil Procedure 8, Plaintiff hereby gives notice of and designates that Andrew A. Jones of *Sawicki Law* will act as lead counsel in this matter.

Respectfully submitted,

SAWICKI LAW



ANDREW A. JONES

State Bar No. 24077910

ajones@sawickilawfirm.com

MICHAEL G. SAWICKI

State Bar No. 17692500

msawicki@sawickilawfirm.com

4040 N. Central Expressway, Ste. 850

Dallas, Texas 75204

(214) 468-8844

(214) 468-8845 (Fax)

ATTORNEYS FOR PLAINTIFF

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

**WALGREENS CORPORATION DBA WALGREENS STORE #04459
SERVE ITS PRESIDENT AT PRENTICE HALL CORPORATION
SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA WALGREENS
STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER DUNCANVILLE MANAGEMENT
LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC**
Defendant(s)

filed in said Court on the 19th day of January, 2016a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY
HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By *Guisla Hernandez* Deputy
Guisla Hernandez



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY**

CC-16-00252-A

**IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas**

ROBERT JOHNSON, Plaintiff(s)

VS.

**WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, Defendant(s)**

SERVE:

**WALGREENS CORPORATION DBA
WALGREENS STORE #04459
SERVE ITS PRESIDENT AT PRENTICE
HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218**

**ISSUED THIS
20th day of January, 2016**

**John F. Warren, County Clerk
By: Guisla Hernandez, Deputy**

Attorney for Plaintiff

**MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844**

**NO OFFICIAL RECORD
OF THIS CASE**

AFFIDAVIT OF SERVICE

State of Texas

County of Dallas

County at Law No. 1 Court

Case Number: CC-16-00252-A

Plaintiff:

ROBERT JOHNSON

vs.

Defendant:

WALGREEN CO. D/B/A WALGREENS STORE #04459; WALGREENS CORPORATION D/B/A WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE, INC.; SURFCOMBER DUNCANVILLE MANAGEMENT, L.L.C.; SURFCOMBER DUNCANVILLE ASSOCIATES, L.L.C.

For:

SAWICKI LAW

4040 N. Central Expressway, Ste. 850

Dallas, TX 75204

Received by Alliance Litigation Support, Inc. on the 21st day of January, 2016 at 2:04 pm to be served on **WALGREENS CORPORATION D/B/A WALGREENS STORE #04459 BY DELIVERING TO ITS REGISTERED AGENT, THE PRENTICE HALL CORPORATION SYSTEM, INC., 211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701.**

I, **CHRIS DATHE**, being duly sworn, depose and say that on the 25th day of January, 2016 at 11:15 am, I:

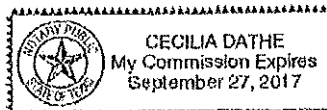
PERSONALLY DELIVERED a true copy of a THE STATE OF TEXAS CITATION; PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREENS CORP.; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT SURFCOMBER ASSOCIATES; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREEN CORP.; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT SURFCOMBER ASSOCIATES; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREENS CORP.; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT SURFCOMBER ASSOCIATES with the date of service endorsed thereon by me, to: SUE VERTREES, DESIGNATED AGENT FOR THE PRENTICE-HALL CORPORATION SYSTEM, INC. AS THE REGISTERED AGENT FOR WALGREENS CORPORATION D/B/A WALGREENS STORE #04459 at the address of: 211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701 and informed said person of the contents therein, in compliance with state statutes.

AFFIDAVIT OF SERVICE for CC-16-00252-A

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am not less than 18 years of age, I am not a party to the above-referenced cause. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct. I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 29th day
of January, 2016 by the affiant who is
personally known to me.

Cecilia Dathe
NOTARY PUBLIC



Chris Dathe
CHRIS DATHE
SCH 6008 EXP. 12/31/18

Alliance Litigation Support, Inc.
309 S. Kealy Street
Lewisville, TX 75057
(972) 221-4017

Our Job Serial Number: DAH-2016000115

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-00252-A
COUNTY COURT AT LAW NO. 1
Dallas County, Texas

TO:

WALGREEN CO. DBA WALGREENS STORE #04459
SERVE ITS REGISTERED AGENT
PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 1 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

ROBERT JOHNSON
Plaintiff(s)

VS.

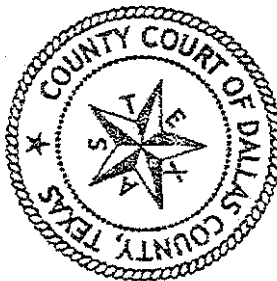
WALGREEN CO. DBA WALGREENS STORE #04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC; SURFCOMBER DUNCANVILLE ASSOCIATES, LLC
Defendant(s)

filed in said Court on the 19th day of January, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY
HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 20th day of January, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



ATTORNEY

CITATION

PLAINTIFF'S ORIGINAL PETITION,
JURY DEMAND, AND REQUEST FOR
WRITTEN DISCOVERY

CC-16-00252-A

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 1
Dallas County, Texas

ROBERT JOHNSON, *Plaintiff(s)*

VS.

WALGREEN CO. DBA WALGREENS STORE
#04459; WALGREENS CORPORATION DBA
WALGREENS STORE #04459; WALGREENS
BOOTS ALLIANCE INC.; SURFCOMBER
DUNCANVILLE MANAGEMENT LLC;
SURFCOMBER DUNCANVILLE ASSOCIATES,
LLC, *Defendant(s)*

SERVE:

WALGREEN CO. DBA WALGREENS STORE
#04459
SERVE ITS REGISTERED AGENT
PRENTICE HALL CORPORATION SYSTEM
211 E 7TH ST STE 620
AUSTIN TX 78701-3218

ISSUED THIS
20th day of January, 2016

John F. Warren, County Clerk
By: Guisla Hernandez, Deputy

Attorney for Plaintiff

MICHAEL GEORGE SAWICKI
SAWICK LAW
4040 N CENTRAL EXPWY
SUITE 850
DALLAS TX 75204
214-468-8844

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

AFFIDAVIT OF SERVICE

State of Texas

County of Dallas

County at Law No. 1 Court

Case Number: CC-16-00252-A

Plaintiff:

ROBERT JOHNSON

vs.

Defendant:

WALGREEN CO. D/B/A WALGREENS STORE #04459; WALGREENS CORPORATION D/B/A WALGREENS STORE #04459; WALGREENS BOOTS ALLIANCE, INC.; SURFCOMBER DUNCANVILLE MANAGEMENT, L.L.C.; SURFCOMBER DUNCANVILLE ASSOCIATES, L.L.C.

For:

SAWICKI LAW

4040 N. Central Expressway, Ste. 850

Dallas, TX 75204

Received by Alliance Litigation Support, Inc. on the 21st day of January, 2016 at 2:04 pm to be served on **WALGREENS CO. D/B/A WALGREENS STORE #04459 BY DELIVERING TO ITS REGISTERED AGENT, THE PRENTICE-HALL CORPORATION SYSTEM, INC., 211 E. 7TH STREET, SUITE 820, AUSTIN, TX 78701.**

I, **CHRIS DATHE**, being duly sworn, depose and say that on the 25th day of January, 2016 at 11:15 am, I:

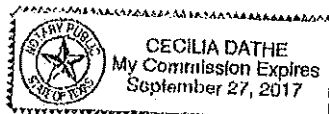
PERSONALLY DELIVERED a true copy of a THE STATE OF TEXAS CITATION; PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND REQUEST FOR WRITTEN DISCOVERY; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREENS CORP.; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT SURFCOMBER ASSOCIATES; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREEN CORP.; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT SURFCOMBER ASSOCIATES; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREEN CO.; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREENS CORP.; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT WALGREENS BOOTS; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT SURFCOMBER MANAGEMENT; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT SURFCOMBER ASSOCIATES with the date of service endorsed thereon by me, to: SUE VERTREES, DESIGNATED AGENT FOR THE PRENTICE-HALL CORPORATION SYSTEM, INC. AS THE REGISTERED AGENT FOR WALGREENS CO. D/B/A WALGREENS STORE #04459 at the address of: 211 E. 7TH STREET, SUITE 820, AUSTIN, TX 78701 and informed said person of the contents therein, in compliance with state statutes.

AFFIDAVIT OF SERVICE for CC-16-00252-A

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am not less than 18 years of age, I am not a party to the above-referenced cause. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct. I am not interested in the outcome of the above-referenced cause

Subscribed and Sworn to before me on the 29th day
of January, 2016 by the affiant who is
personally known to me.

Cecilia Dathe
NOTARY PUBLIC



Chris Dathe
CHRIS DATHE
SCH 6008 EXP. 12/31/18

Alliance Litigation Support, Inc.
309 S. Kealy Street
Lewisville, TX 76057
(972) 221-4017

Our Job Serial Number: DAH-2016000116

Contributory Negligence

2. Plaintiff's claims are barred as a result of Plaintiff's own negligence, which contributed in whole or in part to his alleged damages. Alternatively, Plaintiff's recovery, if any, should be reduced by the percentage of Plaintiff's contributory negligence.

Plaintiff's Alleged Damages Caused by Responsible Third Party

3. The damages alleged by Plaintiff were caused, solely or partially, or proximately caused by some person or third party for whom Defendants are not legally responsible.

Proportionate Responsibility

4. This action is subject to the proportionate responsibility provisions of Chapter 33 of the TEX. CIV. PRAC. & REM. CODE, including (without limitation) the requirement of §33.003 thereof that the trier of fact determine the relative responsibility of each claimant, defendant, settling person and responsible third-party who may be joined in the suit.

Intervening Cause

5. Plaintiff's alleged damages resulted from new and independent, unforeseeable, superseding and/or intervening causes unrelated to any conduct of Defendants.

Paid or Incurred - Civil Practice & Remedies Code Section 41.0105

6. Pursuant to TEX. CIV. PRAC. & REM. CODE Section 41.0105, Defendants assert that recovery of the medical healthcare expenses incurred by Plaintiff is limited to the amount actually paid by or on Plaintiff's behalf, and that this is the only amount that should be submitted to the jury.

7. Plaintiff is not entitled to recover medical charges that a provider is not entitled to be paid, and as such, evidence of such charges are irrelevant to the issue of damages. Thus, only evidence of recoverable medical expenses is admissible at trial. *See generally Haygood v. De Escabedo*, 356 S.W.3d 390 (Tex. 2011).

Failure to Mitigate

8. The damages, if any, recoverable by Plaintiff must be reduced by any amount of damages legally caused by the Plaintiff's failure to mitigate such damages in whole or in part.

Payment

9. Plaintiff's recovery, if any, should be reduced by the amount of the payments Plaintiff has received to compensate him for his alleged damages, if any.

Civil Practice & Remedies Code Section 18.091

10. To the extent same becomes applicable and necessary in this case, Defendants invoke the evidentiary requirements as set forth in Section 18.091 of the TEX. CIV. PRAC. & REM. CODE regarding all damages that fall within the scope of this provision.

**III.
PRAYER FOR RELIEF**

WHEREFORE PREMISES CONSIDERED, Defendants pray that Plaintiff's Original Petition be dismissed with prejudice, that the relief requested by the Plaintiff be denied, and that all costs be taxed against Plaintiff. Additionally, Defendants pray for such other and further relief, either at law or in equity, special or general, to which they may be deemed justly entitled.

Respectfully submitted,

FOX ROTHSCHILD LLP

By: 

Mark A. Goodman
State Bar No. 08156920
mark.goodman@foxrothschild.com
K. Patrick Babb
State Bar No. 24077060
pbabb@foxrothschild.com

Two Lincoln Centre
5420 LBJ Freeway, Suite 1200
Dallas, Texas 75240
(972) 991-0889
(972) 404-0516 – Fax
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on this the 5th day of February 2016, a true and correct copy of the foregoing document was served on the following counsel of record in accordance with the Texas Rules of Civil Procedure:

Michael G. Sawicki
Andrew A. Jones
SAWICKI LAW
4040 N. Central Expressway, Suite 850
Dallas, TX 75204
(214) 468-8844
(214) 468-8845 – Fax
msawicki@sawickilawfirm.com
ajones@sawickilawfirm.com
Attorneys for Plaintiff

Via E-service


Mark A. Goodman